

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IOWA NETWORK SERVICES, INC.	DOCKET NO. SPU-03-4
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ORDER DENYING REQUEST TO HOLD DISCONNECTION IN ABEYANCE

(Issued May 23, 2003)

On March 28, 2003, Iowa Network Services, Inc. (INS), filed with the Utilities Board (Board) a request to disconnect S&S Communications (S&S) from access service after April 14, 2003. In support of its request, INS stated that S&S was indebted to INS for billings delinquent in excess of 265 days. INS also stated that it provided S&S with notice of a deposit requirement and of its intent to disconnect S&S from access service in a manner which appeared to be in compliance with Board rules regarding deposits and disconnections.

On April 9, 2003, the Board issued an order docketing INS's request and ordering S&S to file a response to issues raised in the initial filing. On April 17, 2003, S&S responded pursuant to the Board's order and stated that it did not dispute the billings, that all debts owed to INS had been paid in full, and that INS should withdraw its request for disconnection.

On May 2, 2003, INS filed a response to S&S and requested the Board issue an order granting INS the authority to disconnect S&S from access service at any

time, without notice, during the next six months should S&S fail to pay INS in full within 30 days of the invoice date. In support of this request, INS states that its credit history with S&S is not satisfactory and, as a result, INS has reason to believe that the ability of S&S to make punctual payments for INS services may be impaired.

INS's request essentially asks the Board to issue a pre-approval for the disconnection of S&S based on events that have not occurred. Iowa Code § 476.20(1) (2003) states:

A utility shall not, except in cases of emergency, discontinue, reduce, or impair service to a community, or a part of a community, except for nonpayment of account or violation of rules and regulations, unless and until permission to do so is obtained from the board.

A disconnection of S&S from INS access service would result in the discontinuance of service to all of the customers of S&S, who may be customers in good standing with S&S. A discontinuance of service to those S&S customers, via the disconnection of S&S from INS access service, absent proper procedure and some form of notice to those customers, could be considered a violation of Iowa Code § 476.20(1). Therefore, the Board will not grant INS the authority to disconnect S&S at any time, without notice, for the next six months.

The Board acknowledges that S&S recently was in arrears with INS for non-payment of access service charges and that attempts by INS to obtain those payments were often difficult. Nevertheless, S&S's account is now current and S&S has paid INS a deposit. The Board recognizes the difficult financial relations between

INS and S&S. Therefore, the Board will hold this docket open for a period of six months. This will allow INS the ability to seek disconnection of S&S on an expedited basis, should the financial situation between INS and S&S warrant.

IT IS THEREFORE ORDERED:

1. The request to hold the disconnection of S&S Communications in abeyance filed by Iowa Network Services, Inc., on May 2, 2003, is denied.
2. This docket shall remain open for a period of six months from the date of the issuance of this order. If there are no further filings in that time, this docket will be closed automatically.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 23rd day of May, 2003.